

LEGAL CONSEQUENCES OF GENDER-BASED VIOLENCE

WHAT ARE THE CRIMINAL PENALTIES FOR PERPETRATORS OF GBV?

The commission of a significant number of GBV forms, but not all, is subject to criminal liability, but their list differs from country to country. In Ukraine, criminal liability is provided for committing the following forms of GBV:

<p>domestic violence that resulted in physical or psychological suffering, health disorders, loss of working capacity, emotional dependence or deterioration of the victim's quality of life (Article 126-1 of the Criminal Code of Ukraine)</p>	<p><u>community service for a term of 150 to 240 hours, or arrest for a term of up to 6 months, or restriction of liberty for a term of up to 5 years, or imprisonment for a term of up to 2 years</u></p>
<p>forced abortion (Article 134 of the Criminal Code of Ukraine)</p>	<p><u>restriction of liberty for a term of up to 5 years or imprisonment for a term of up to 3 years with or without deprivation of the right to occupy certain positions or engage in certain activities for a term of up to 3 years</u></p>
<p>forced sterilization (Article 134 of the Criminal Code of Ukraine)</p>	<p><u>restriction of liberty for a term of up to 5 years with or without deprivation of the right to occupy certain positions or engage in certain activities for a term of up to 3 years</u></p>
<p>forced marriage (Article 151-2 of the Criminal Code of Ukraine)</p>	<p><u>arrest for a term of up to 6 months or restriction of liberty or imprisonment for a term of up to 3 years</u></p>
<p>rape (Article 152 of the Criminal Code of Ukraine)</p>	<p><u>imprisonment for 3 to 5 years</u></p>
<p>sexual violence (not related to penetration into the body of another person, Article 153 of the Criminal Code of Ukraine)</p>	<p><u>imprisonment for a term of up to 5 years</u></p>
<p>forcing a person to engage in acts of a sexual nature (Article 154 of the Criminal Code of Ukraine)</p>	<p><u>a fine of up to UAH 850 or arrest for up to 6 months</u></p>
<p>committing <u>acts of a sexual nature</u> or <u>lewd acts</u> against a person who has not reached the age of 16 (Articles 155, 156 of the Criminal Code of Ukraine)</p>	<p><u>restriction of liberty or imprisonment for a term of up to 5 years</u></p>
<p>harassment of a child for sexual purposes (Article 156-1 of the Criminal Code of Ukraine)</p>	<p><u>restriction of liberty or imprisonment for a term of up to 3 years with deprivation of the right to occupy certain positions or engage in certain activities for a term of up to 3 years</u></p>

<p>intentional direct or indirect restriction of rights or establishment of direct or indirect privileges of citizens based on sex (Article 161 of the Criminal Code of Ukraine)</p>	<p><u>a fine in the amount of UAH 3,400 to UAH 8,500 or restriction of liberty for a term of up to 5 years, or imprisonment for a term of up to 3 years with or without deprivation of the right to occupy certain positions or engage in certain activities for a term of up to 3 years</u></p>
<p>human trafficking, as well as recruitment, movement, concealment, transfer or receipt of a person committed for the purpose of sexual exploitation (Article 149 of the Criminal Code of Ukraine)</p>	<p><u>imprisonment for a term of 3 to 8 years</u></p>
<p>production, distribution of objects of a pornographic nature, forcing to participate in their production (Article 301 of the Criminal Code)</p>	<p><u>fine from UAH 17,000 to UAH 68,000, or arrest for a term of up to 6 months, or restriction of liberty for a term of up to 3 years</u></p>
<p>production, distribution, sale of child pornography or forcing a minor to participate in the creation of child pornography (Article 301-1 of the Criminal Code of Ukraine)</p>	<p><u>imprisonment for a term of 8 to 12 years with deprivation of the right to occupy certain positions or engage in certain activities for a term of up to 3 years</u></p>
<p>involving or forcing a minor to participate in a spectacular event of a sexual nature (Article 3012 of the Criminal Code of Ukraine)</p>	<p><u>imprisonment for a term of 7 to 10 years with deprivation of the right to occupy certain positions or engage in certain activities for a term of up to 3 years</u></p>
<p>pimping or involvement of a person in prostitution (Article 303 of the Criminal Code of Ukraine)</p>	<p><u>imprisonment for a term of 3 to 5 years</u></p>

Note: for some criminal offences the Criminal Code of Ukraine provides more severe punishments in case of aggravating circumstances.

As a general rule, minimum age of criminal liability is 16, and for rape and sexual violence – 14.

For the commission of domestic violence or GBV, which did not cause physical harm, as a result of which the physical or mental health of the survivor could be or was harmed, administrative liability is provided in the form of **a fine from UAH 170 to 340, or community service for a term from 30 to 40 hours, or administrative arrest for up to 10 days.** At the same time, minimum age of administrative liability is 16.

ARE THERE ANY CIVIL REMEDIES AVAILABLE FOR SURVIVORS?

Civil remedies available for GBV survivors:

- ➔ **recovery of pecuniary and/or moral damages**, which is discussed in more detail in Briefing Note No. 15 "Compensation Mechanisms for GBV Survivors";
- ➔ **issuance by the court of a restraining order against the offender**, which is discussed in more detail in Briefing Note No. 6 "Legal Remedies for Domestic Violence Survivors";
- ➔ **filing a complaint with state bodies**, authorities of the Autonomous Republic of Crimea, local self-government bodies and their officials, the Ukrainian Parliament Commissioner for Human Rights (Ombudsman), as well as with the UN Committee on the Elimination of Discrimination against Women (if internal legal remedies have been exhausted or if the application of such protective measures is unnecessarily delayed).

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